

Appln. No. 10/736,139
Response dated April 24, 2006
Regarding Office Action dated February 24, 2006
Docket No. BOC9-2003-0085 (456)

REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of February 24, 2006 (Office Action). This response is being filed within the 3-month shortened statutory period, and as such, no fees are believed to be due.

Applicants thank the Examiner for his thorough examination and for acknowledging that the amendments and arguments previously presented were sufficient to overcome the earlier rejections. In the Office Action, however, each of the claims were rejected on new grounds.

Claims 1-3, 5-8, 10-13, and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over (U.S. Patent Application Publication No. 2003/0053449) to Owens *et al* (hereafter Owens). Claims 4, 9 and 14 were rejected under U.S.C. § 103(a) as being unpatentable over Owens in view of Rango (U.S. Patent 6,788,705).

Applicants have amended independent Claims 1, 6, and 11 to further emphasize certain aspects of Applicants' invention. Claims 16 and 17 have been cancelled. The claim amendments, as discussed herein, are fully supported in the Specification. (See, e.g., Specification, paragraph 0018, at page 8, and paragraph 0028, at pages 9-10.) No new matter is introduced by the claim amendments.

Applicants' Invention

It may be helpful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is a method of automatically resolving a Digital Subscriber Line failure. The method can include detecting a failure of the Digital Subscriber Line. The method further can include establishing a call over a public switched telephone network with an administrative system for the Digital Subscriber Line in response to detecting the failure.

Additionally, the method can include notifying the administrative system of the failure over the established call. The administrative system subsequently can cause the

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Digital Subscriber Line to be reset. The method also can include storing notification information received by the administrative system and/or information generated by the administrative system relating to a course of action implemented by the administrative system in response to the notifying step, the information being stored in a data store connected to the administrative system. (See Specification, e.g., paragraphs 0019-0020, at page 8; see also FIG. 1, especially elements 125 and 130, and FIG. 2, step 230.)

As noted in the Specification, one motivation of the invention is to mitigate a DSL subscriber's frustration with being unable to determine the nature or extent of the DSL failure. (See, e.g., paragraph 0005, at pages 2-3.) Accordingly, the resolving of the DSL failure can include determining when resumption of service over the Digital Subscriber Line can be expected so that a message can be sent informing a subscriber to the Digital Subscriber Line of when resumption of service over the Digital Subscriber Line is expected. (See Specification, e.g., paragraph 0028, at pages 9-10, and FIG. 2, step 235.) According to one particular embodiment, the administrative system can be implemented as a processing system having operational software for causing the administrative system to perform each of these functions. (See, e.g., Specification, paragraph 0018, at pages 7-8.)

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 6, and 11 were deemed to be obvious in view of Owens. Owens is directed to a method for remotely communicating with a Broadband modem. (Abstract, lines 1-2; see also paragraph 0019, at page 2.) With Owens, when a communication error is detected on the Broadband modem, a Plain Old Telephone System (POTS) connection is established between the Broadband modem and a remote server. Owens provides a communication comprising Dual-Tone Multi-Frequency (DTMF) tones that are transmitted to the remote server via the POTS connection, the communication conveying information associated with the

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communication error. The remote server of Owens, in turn, proves a diagnosis via the POTS connection, also conveyed in the form of DTMF tones. (Paragraphs 0019-0022, at page 2; see also paragraphs 0057-0071, at pages 4-5, and paragraphs 0081-0086, at pages 5-6.)

Applicants respectfully maintain, however, that Owens fails to teach or suggest each of the features recited in independent Claims 1, 6, and 11, as amended. For example, the diagnosis provided in Owens fails to suggest further determining when a DSL subscriber can expect a resumption of service over the Digital Subscriber Line, as recited in each of the amended independent claims, such that a message informing the subscriber to the Digital Subscriber Line when resumption of service over the Digital Subscriber Line is expected, as further recited in each of the amended independent claims.

Owens lack of such a feature is acknowledged at page 3 of the Office Action. It is asserted there, however, that a message conveying information as to when resumption of service over a Digital Subscriber Line is merely "non-functional descriptive material" that does not distinguish the claimed invention from the prior art in terms of patentability. Applicants respectfully assert, however, that the sending of the message requires first a determination of the content of the message and that that determination is an operative step that distinguishes the claimed invention. (See, e.g., Specification, paragraph 0018, at page 8, and paragraph 0028, at pages 9-10.)

Owens discloses transmitting a diagnosis to the client. As noted in the Office Action, Owens' transmission of the diagnosis is merely the sending of a message and, moreover, does not include informing a subscriber as to when resumption of service over a Digital Subscriber Line can be expected. Because Owens does not teach or suggest a message that includes such information, it follows that Owen does not teach or suggest determining such information.

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Accordingly, Owens fails to teach or suggest every feature recited in independent Claims 1, 6, and 11, as amended. Applicants thus respectfully maintain that amended independent Claims 1, 6, and 11 define over the prior art. Applicants further respectfully maintain that, whereas each of the remaining dependent claims depends from one of the amended independent claims while reciting additional features, dependent Claims 2-5, 7-10, and 12-15 likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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